

SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: January 11, 2007

DEPT. 71

REPORTER A: Peter Stewart

CSR# 3184

PRESENT HON. RONALD S. PRAGER

REPORTER B:

CSR#

JUDGE

CLERK: K. Sandoval

BAILIFF: S.

REPORTER'S ADDRESS: P.O. BOX 120128

SAN DIEGO, CA 92112-4104

IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)

EX PARTE DISCOVERY ISSUES INDEPENDENT PLAINTIFFS AND DEFENDANTS

The attached Court's ruling regarding applies to all cases listed as follows:

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC
4221-00041	SHANGHAI 1930 RESTRAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC

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4221-00044	COUNTY OF SAN MATEO vs SEMPRA ENERGY
4221-00045	BUSTAMANTE vs WILLIAMS ENERGY SERVICES
4221-00046	PABCO BUILDING PRODUCTS vs DYNEGY INC
4221-00047	BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC
4221-00043	NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY

9:40 a.m. This being the time previously set for Ex Parte hearing in the above entitled cause Court convenes with counsel as noted on Exhibit "A" which is attached hereto and incorporated herein as though set forth in full. Appearing telephonically for the Defendants are Joel Kleinman, Joshua Lichtman and Richard Levy. Appearing telephonically for the Plaintiff is Derek Howard.

Seated at counsel table are Nancy Fineman and Nanci Nishimura of Cotchett, Pitre, Simon & McCarthy personally present for the Plaintiff. Personally appearing for Defendant is Bennett Young of LeBoeuf, Lamb, Greene & MacRae.

Court and counsel discuss the Independent Plaintiff's request to compel responses from Aquila Merchant Services, Inc. to First Set of Special Interrogatories. Parties discuss the request and production of documents. The Court advises counsel that all requests must be straightforward, self contained, complete, particularized and non ambiguous, they must not be incorporated by reference.

Attorney Fineman is to prepare the order and Defendant to approve as to form.

Counsel discuss the informal process of discovery. Counsel discuss the 45 day deadline and if any party evokes the 45 day deadline they are to appear ex-parte to request /explain the request it will be honored if letter is sent to the Judge before they can use as an absolute bar.

10:45 a.m. Court is in recess.

10:55 a.m. Court reconvenes with counsel and all parties as noted above present. Defendants discuss request as to production of documents. They request degree of specificity in interrogatories. The Court directs Plaintiffs to ask for specific information, "what did we do wrong, list of facts, witnesses." Plaintiffs will supplement requests. They are not to use narrative statements, They are to use direct questions with specifics. Defendants are to answer with the same specificity.

Counsel to meet and confer regarding what can be put off, and if one list may work for all requests or to reproduce requests again. Counsel may contact the Court if an agreement cannot be reached.

The order to be prepared by the Plaintiffs should include directives to be used by both sides: particularized requests/answers they should be non-evasive, non ambiguous, self contained and not incorporated by reference. Supplemental responses may be propounded.

If there is no way to work out the issues then they may come back to court. Parties are to meet and confer and to see if they are able to cut down requests and to see if any resolution can be reached. If not they may return to Court or may appear telephonically.

11:45 a.m. Court is adjourned.

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